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2020
PUBLICATIONS



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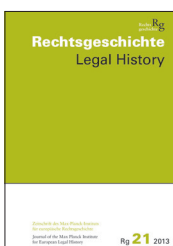
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RECHTSGESCHICHTE – LEGAL HISTORY

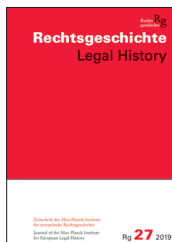


RECHTSGESCHICHTE – LEGAL HISTORY



Rechtsgeschichte – Legal History (Rg) is the Institute's journal, edited by Directors Marietta Auer, Thomas Duve and Stefan Vogenauer. The journal aims to be a forum for high-level scholarship in all branches of legal history. Its scope therefore reflects the full breadth of the discipline and is not restricted to particular periods of time or specific areas of law. Its particular profile derives from the research conducted at the Institute on the legal history of Europe, the common law world and the Iberian empires.

The journal has an international orientation and adopts a multilingual approach in order to reflect the diversity of global legal and research cultures. A peer review procedure ensures the high quality of the contributions. The journal's »Research« section presents selected outstanding articles of general interest. The »Focus« section brings together contributions on a common theme, and the short pieces in the »Debate« or »Forum« section discuss a given topic in legal history. The »Critique« section contains reviews of recent publications in the field. *Rg* is published by Vittorio Klostermann Verlag, Frankfurt am Main. Since 2012, the annual journal is also published online in Open Access on the journal website: rg.rg.mpg.de/en/. The journal is indexed, among others, in the *Directory of Open Access Journals (DOAJ)*.



RG 28

Frankfurt am Main: Vittorio Klostermann, 402 p.,
 ISBN 978-3-465-04420-8, ISSN 1619-4993, 49,00 €
 Open Access online edition: www.rg-rechtsgeschichte.de/en/rg28,
 online ISSN 2195-9617

research

- Tamar Herzog, Germanic or Roman? Western European Narratives of Legal Origins
- Christoph H.F. Meyer, Römisches und kanonisches Recht kurz und bündig. Zur Epitomierung lateinischer Rechtstexte zwischen Spätantike und Moderne
- Thomas Pierson, From Late Medieval City Employees to Early Modern Civil Servants. Employment Relationships as Reflected in the Frankfurt Contract Documents
- Martin P. Schennach, »There is no other European state whose constitution consists of so many anomalies.« The Austrian Doctrine of Public Law in the Second Half of the 18th Century
- Klaus Günther, Demokratische Transformationen des Strafrechts der Moderne?

focus: Finanzmärkte, Spekulation und Regulierung

- Carsten Fischer, Andreas Thier, »Computing all their cost and trouble« – Finanzmärkte, Spekulation und Regulierung seit der Frühen Neuzeit: Diskurse, Narrative, Strategien. Eine Einleitung
- Michael North, Andreas Thier, Grenzen der Regelungsmacht von Recht und hoheitlicher Herrschaft: Geld- und Banken Krisen vom Spätmittelalter bis zur Einführung des Goldstandards
- Christian Kullick, »Lotteriefieber« und legislative Reaktionen: Die Reichsstadt Frankfurt in den 1770er und 1780er Jahren
- Alexander Engel, Johannes W. Flume, Bullen, Bären – und Lämmer? Auseinandersetzungen um die Börsenfreiheit und die Termispekulation des »unberufenen Publikums« im 19. Jahrhundert
- Dieter Ziegler, Die Peelsche Bankakte und die Stabilität der Finanzmärkte in England, 1844–1890
- Louis Pahlow, Bankenregulierung im Zeichen ordnungspolitischer Divergenz: Das Deutsche Kaiserreich und die Formierung der Finanzmärkte im späten 19. Jahrhundert

- Peter Collin, Selbstregulierung des Wettbewerbs. Konkurrenz und Kooperation von Sparkassen, Banken und Kreditgenossenschaften im frühen 20. Jahrhundert
- Jurij Murašov, Jenseits der Erzählbarkeit. Die Finanzwirtschaft in der Literatur der 2000er Jahre (Don DeLillo, Elfriede Jelinek, Vladimir Sorokin)

focus: Knut Wolfgang Nörr (1935–2018)

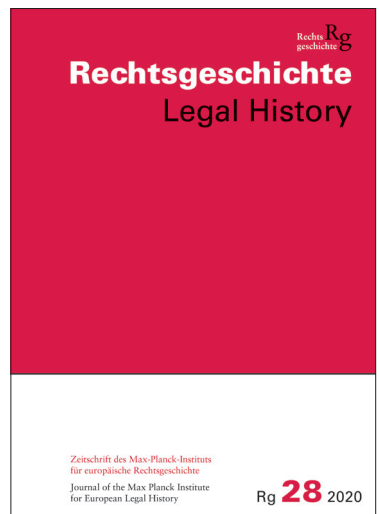
- Jan Schröder, Im Gedenken an Knut Wolfgang Nörr: Einleitung
- Wolfgang Ernst, Knut Wolfgang Nörr in der Historiographie des Prozessrechts
- Bertram Schefold, Knut Wolfgang Nörr und die Geschichte des Wirtschaftsrechts in ökonomischer Perspektive
- Jan Thiessen, Die Republik der Wirtschaft 3.0

critique

- Amalia D. Kessler on Françoise Hildesheimer, Monique Morgat-Bonnet, *Le Parlement de Paris*
- Max Deardorff on María Magdalena Martínez Almira, *Musulmanes en Indias*
- Michael Stolleis on Frédéric Audren et al. (Hg.), *Histoires contemporaines du droit*
- Reinhard Zimmermann on Tilman Repgen et al. (Hg.), *100 Jahre Rechtswissenschaft an der Universität Hamburg*
- Philippe Lagassé on Anne Twomey, *The Veiled Sceptre. Reserve Powers of Heads of State in Westminster Systems*
- and many more

marginalia

- Juliane Voß-Wiegand, Historische Geldzeichen in der Numismatischen Sammlung der Deutschen Bundesbank



THE AMERICAN JOURNAL OF LEGAL HISTORY AT THE MPILHLT (2016–2020)

The *American Journal of Legal History* (AJLH) was founded in 1957 and was the first English-language periodical in the field. When it was relaunched as an Oxford University Press (OUP) journal in early 2016, Stefan Vogenauer (mpilht, Frankfurt) was appointed as a co-editor. He shared the task with Al Brophy (University of North Carolina School of Law, Chapel Hill; later University of Alabama School of Law). As part of the relaunch, the Editorial Office was established at the mpilht. In 2019, Al Brophy handed over to Felice Batlan (IIT Chicago-Kent College of Law in Chicago).

The relaunch involved a major reorientation of the journal. While retaining its traditional focus on the legal history of the United States, it now aimed to reflect the recent enormous broadening of the intellectual horizon of the discipline and include a substantial number of contributions of a comparative, international or transnational nature.

Moreover, the design of the journal was overhauled, with a new cover and a revamped page layout. The editorial process was professionalised: an Editorial Board was established, a Managing Editor and book review editors were appointed. New author guidelines had to be drafted, and a state of the art double-blind peer review process was introduced. The publishers created an attractive journal website, making all articles since 1957 available online and offering an advance access function.

The Frankfurt Editorial Office not only handled the peer review process, it also provided linguistic editing of articles written by non-native speakers and style guiding (›blue booking‹ and ›OSCOLAing‹) of all manuscripts. Many members of Stefan Vogenauer's department as well as of the Editorial Department were involved in a variety of roles. The team took pride in seeing through 21 quarterly issues overall, without missing a single deadline for submission to the publishers, and in consistently beating the OUP journal average for the speed of the review and production processes.

With the relaunch of the journal successfully completed, at the end of 2020 Felice Batlan and Stefan Vogenauer handed over to a new team of editors. From 2021 onwards, the editorial process will be dealt with in-house by OUP.

VOLUME 60

Oxford: Oxford University Press, about 590 p.

print ISSN 0002-9319, £ 122 (Institutional Subscription Rate print edition only)

online: <https://academic.oup.com/ajlh/issue/60/1>

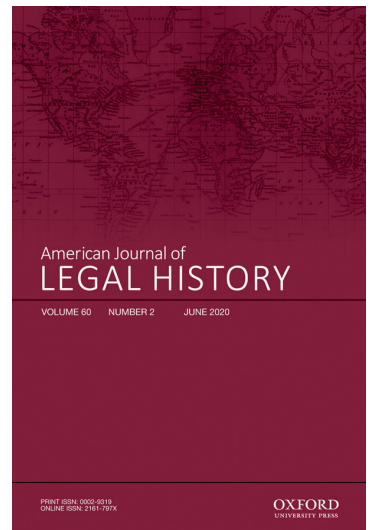
online ISSN 2161-797X, £ 132 (Institutional Subscription Rate print and online edition)

issue 1

- Chris Riley, The Hermit and the Boa Constrictor: Jeremy Bentham, Henry Brougham, and the Accessibility of Justice
- Warren Swain, ›The Great Britain of the South: the Law of Contract in Early Colonial New Zealand
- William B. Meyer, The Background to *Riggs v. Palmer*
- Manuel Galvis Martinez, The Historical Evolution of Allegiance During Occupation

issue 2

- Mehmet Celik, Reforming Criminal Justice in the Ottoman Empire: Police, Courts and Prisons in Rusçuk, 1839–1864
- James Donovan, Combatting Bias in the Criminal Courts of France, 1870s–1913
- Jak Allen, Political Judging and Judicial Restraint: The Case of Learned and Augustus Hand
- Jamie Fellows, Law at a Critical Juncture: The US Army's Command Responsibility Trials at Manila, 1945–1947
- Stephen Lowe, White Subversion of Public School Desegregation in South Carolina, 1963–1970



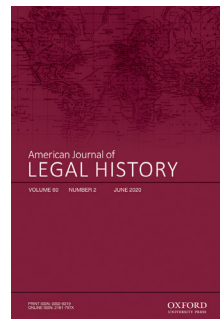
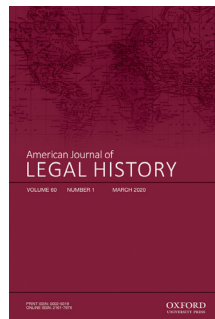
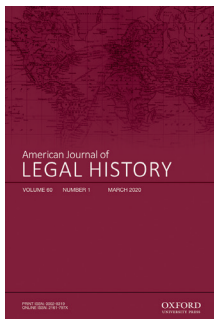
issue 3

- Ross Dardani, Citizenship in Empire: The Legal History of U.S. Citizenship in American Samoa, 1899–1960
- Kate Skinner, Gendering Citizenship and Decolonising Justice in 1960s Ghana: Revisiting the Struggle for Family Law Reform
- Gabrielle Clark, Revisiting ›Liberty of Contract‹ and the Lochner Era (again): A New History of Capitalism Perspective
- Richard Hamm, Race and Relevance: Arthur Garfield Hays and the Integration of the American Bar Association, 1938–1943

issue 4

- Sean O'Reilly, Capturing Profit from Disaster: The Assets Company Ltd and the Afterlife of the City of Glasgow Bank
- Lea VanderVelde, The Anti-Republican Origins of the At-Will Doctrine
- John McCrudden, Where Did ›Human Dignity‹ Come from? Drafting the Preamble to the Irish Constitution
- Marianne Vasara-Aaltonen, From Disputation Hall to High Office: Swedish Students' Legal Dissertations at German and Dutch Universities in the Seventeenth and Eighteenth Centuries

Please note: Issues 3 and 4 of volume 60 will be released in early 2021. Please check the AJLH website at OUP for further information.



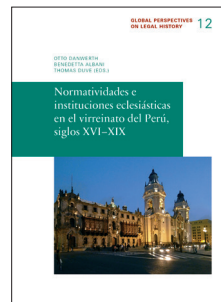
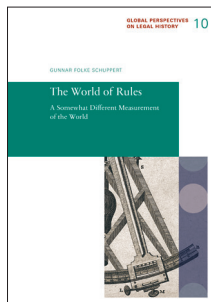
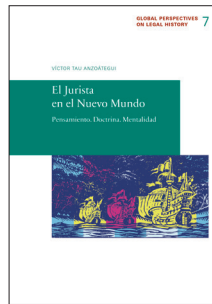
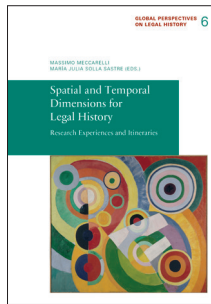
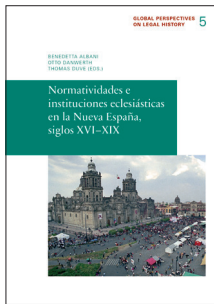
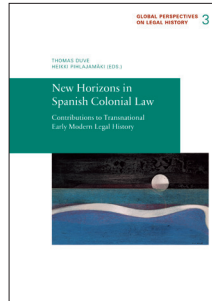
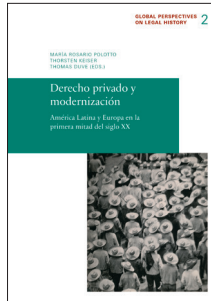
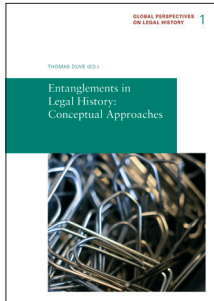
GLOBAL PERSPECTIVES ON LEGAL HISTORY

The book series *Global Perspectives on Legal History*, edited by Directors Marietta Auer, Thomas Duve and Stefan Vogenauer, opens up the legal history of Europe to the history of its global connections. It publishes monographs as well as edited volumes which transcend the established boundaries of national legal scholarship and focus on different modes of normativity and law as well as on their historical development.

The peer-reviewed series addresses the global research community also in terms of its format. From its outset in 2014, it was designed as a multilingual Open Access publication series. *GPLH* primarily appears online, freely accessible to everyone on the Institute's homepage and can be found via DOAB, OAPEN, JSTOR and Project MUSE. A print-on-demand service is available for those readers who prefer or require a printed copy. With the publication of the 13th volume, the print editions will be available as hardcover.



GLOBAL PERSPECTIVES ON LEGAL HISTORY



VOLUME 13

Pilar Mejía, Otto Danwerth, Benedetta Albani (eds.)

**NORMATIVIDADES E INSTITUCIONES ECLESIAÍSTICAS
EN EL NUEVO REINO DE GRANADA, SIGLOS XVI–XIX**

Frankfurt am Main: Max Planck Institute for European Legal History, 288 p.

ISBN 978-3-944773-24-7, print-on-demand: www.epubli.de, 21,08 €

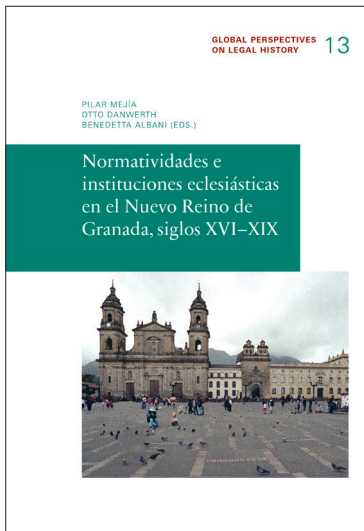
Open Access online edition: <http://dx.doi.org/10.12946/gplh13>

eISBN 978-3-944773-25-4

Ecclesiastical institutions and actors played key roles in the formation of normative orders in early modern Ibero-America. However, both legal historiography, due to its strong legalistic, state-centered imprint, and general historiography on the colonial period, more inclined towards secular law, have only rarely discussed the contribution of ecclesiastical normativity to the formation of what came to be called ›derecho indiano‹.

In light of that situation, the Institute organised a series of seminars in Mexico City, Lima, Bogotá, and São Paulo in order to offer an interdisciplinary forum dedicated to the research of *ecclesiastical normativities and institutions in Ibero-America* between the 16th and 19th centuries. The present volume (in Spanish) is the third in a four-book series that documents the results of the seminar in Bogotá. It is dedicated to the religious norms and institutions in

the territories that made up the New Kingdom of Granada, in what is now Colombia, Venezuela and Ecuador. The nine contributions focus not only on the centre of the archdiocese in Santafé but also examine the dioceses of Popayán, Santa Marta and Cartagena. The particular experiences of, and conflicts between, royal officials and members of the regular and secular clergy led to some cases from New Granada becoming precedents in the development of new forms of evangelisation and missionary practices.



VOLUME 14

Mario G. Losano

LE TRE COSTITUZIONI PACIFISTE

Il rifiuto della guerra nelle costituzioni di Giappone, Italia e Germania

Frankfurt am Main: Max Planck Institute for European Legal History, 345 p.

ISBN 978-3-944773-26-1, print-on-demand: www.epubli.de, 26,38 €

Open Access online edition: <http://dx.doi.org/10.12946/gplh14>

eISBN 978-3-944773-27-8

The three defeated powers from the Second World War incorporated provisions prohibiting wars of aggression into their post-war constitutions, which are still in force. The first part of the book covers the difficult years for Japan, Italy and Germany between the end of the war and the start of peace (with the Nuremberg and Tokyo Trials, denazification, reparations and the renewal of the school system), analysing the birth of the three constitutions between 1947–49.

The consequences of defeat were different in each of the three countries, and hence each followed its own path in formulating the prohibition on war. However, the division of the world into two hostile blocs required the three countries to rearm, thus launching a process that resulted in the watering down of the original prohibition on war. In fact, the three countries'

involvement in international bodies requires each of them to participate in new wars, which are now branded as »peacekeeping« missions. There have thus been increasingly frequent calls to modify or even revoke these pacifist articles, above all in Japan (due to its geopolitical position). The second part looks at three extensive annexes of documents that detail a specific aspect of each of the three states' constitutional pathways.

This threefold historical-constitutional inquiry provides an account of the birth and development of the pacifist article imposed by the victorious Allies, thus allowing for a better understanding of current debates concerning its impending modification.



VOLUME 15

Luisa Stella de Oliveira Coutinho Silva

NEM TEÚDAS, NEM MANTEÚDAS: HISTÓRIA DAS MULHERES E DIREITO NA CAPITANIA DA PARAÍBA (BRASIL, 1661–1822)

Frankfurt am Main: Max Planck Institute for European Legal History, 390 p.

ISBN 978-3-944773-28-5, print-on-demand: www.epubli.de, about 23 €

Open Access online edition: <http://dx.doi.org/10.12946/gplh15>

eISBN 978-3-944773-29-2

This book develops a legal history of colonial women as a methodological approach to studying the women of Paraíba, a captaincy on the northeast coast of Brazil, from the end of the Dutch occupation (1661) to Brazilian independence in 1822. It uses the concept of multiple normativities to analyse dozens of daily life cases from Portuguese and Brazilian archives.

To study women's everyday normative contexts in a colonial space, the author analyses traditional *lus Commune* and Portuguese legal sources from different jurisdictions, but also legal doctrines, medical treatises, moralist works and literature to enrich interpretations in women's history, gender studies, feminist legal theory and legal history. Furthermore, she examines the impact of these normative traditions in the colonial Captaincy of Paraíba and focuses on normativities of a more pragmatic character, analysing archival documents

portraying women's daily life situations relating to both secular and religious jurisdictions.



The analysis demonstrates that the law from the metropole neither offered pre-established solutions for women's daily lives, nor was it applied unchanged in the colony. On the ground, law was dynamic, and the interplay of multiple normativities provided different possibilities that depended on the intersection of women's condition and status, religion and sexual options, proving that sex and gender categories are not immutable, but, on the contrary, flexible according to the practices of law in colonial Paraíba.

STUDIEN ZUR EUROPÄISCHEN RECHTSGESCHICHTE

STUDIEN ZUR EUROPÄISCHEN RECHTSGESCHICHTE

The volumes of this publication series, which started in 1971, were initially published under the title *Ius Commune Sonderhefte*, as additional volumes to the former Institute journal *Ius Commune*. In 2002 (from volume 151 onwards), the former subtitle became the series' new name: *Studien zur europäischen Rechtsgeschichte*. It now contains over 320 volumes. Monographs and edited volumes are published individually or within the current sub-series: *Savignyana*, *Rechtsräume*, *Moderne Regulierungsregime*, *Lebensalter und Recht*, *Recht im ersten Jahrtausend*, *Recht in der Industriellen Revolution*, *Rechtskulturen des modernen Osteuropa*, *Repertorium der Policeyordnungen der Frühen Neuzeit*, *Juristische Briefwechsel des 19. Jahrhunderts*, *Das Europa der Diktatur*, *Bibliographica Juridica*.

The increasingly multilingual series is traditionally published in print by Vittorio Klostermann Verlag. All manuscripts undergo a peer review process. We intend to make newly published volumes available online in Open Access after a period of three years. Older volumes will successively also be digitised.



BAND 320

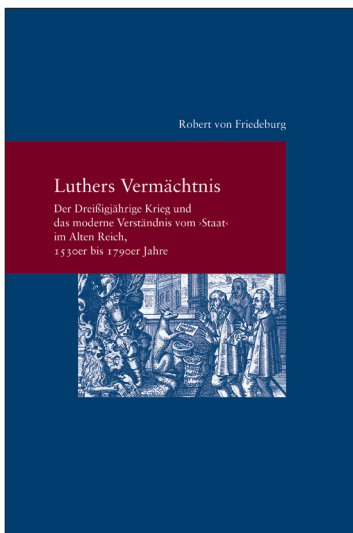
Robert von Friedeburg

LUTHERS VERMÄCHTNIS

Der Dreißigjährige Krieg und das moderne Verständnis vom ›Staat‹
im Alten Reich, 1530er bis 1790er Jahre

Frankfurt am Main: Vittorio Klostermann, 572 S., 98 €
ISBN 978-3-465-04369-0

Der Begriff ›Staat‹ in seinem modernen Verständnis wurde im deutschsprachigen Reich nicht mit Bezug auf das frühneuzeitliche Alte Reich als Ganzes und erst recht nicht auf die Konsolidierung fürstlicher Macht über Land und Leute gemünzt. Vielmehr stand seine Genese im Zusammenhang mit den Konflikten zwischen Landständen und Fürsten angesichts der Verwüstungen des Dreißigjährigen Krieges. Die zeitgenössische, auf Luther zurückgehende Polemik gegen verbrecherische Fürsten aufnehmend, sollte Seckendorffs *Teutscher Fürstenstaat* (1656) als vermeintlich bis ins Mittelalter zurückreichende Einheit aus Land, Leuten und Gesetzen seine Bewohner durch eigene Rechtsordnung und Verwaltung (*Policey*) vor der Inkompetenz und Bosheit der Fürsten schützen. Seit dem letzten Drittel des 17. Jahrhunderts fanden solche Ideen, deren Herausbildung dieses Buch auf breiter Quellenbasis nachzeichnet, zunehmend auch bei Fürsten in evangelischen wie katholischen deutschen Landen Anklang.



BAND 321

Thomas Pierson

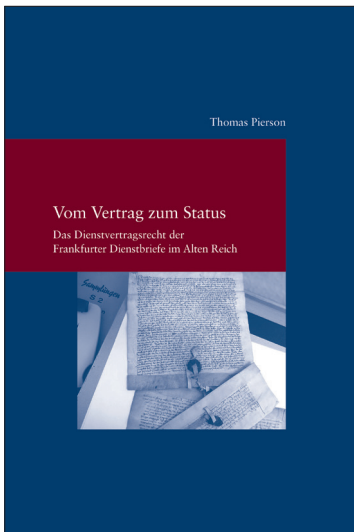
VOM VERTRAG ZUM STATUS

Das Dienstvertragsrecht der Frankfurter Dienstbriefe im Alten Reich

Frankfurt am Main: Vittorio Klostermann, 843 S., 139,00 €

ISBN 978-3-465-04404-8

Die Dienstvertragspraxis der Reichsstadt Frankfurt am Main ist Gegenstand dieser Untersuchung zur vorindustriellen Arbeitsrechtsgeschichte. Mit dem Konzept der juristischen und sozialhistorischen Problemgeschichte als Analyse- und Strukturinstrument werden rechtliche, soziale und ökonomische Problemlagen im städtischen Dienst ermittelt, ihre Lösungen herausgearbeitet und anhand von Leitfragen nach Freiheit, Gleichheit und sozialer Absicherung systematisch erschlossen. Basis sind die Vertragsaussagen in den Dienstbriefen vielfältiger sozialer Gruppen – wie Knechten und Advokaten, Offizieren und Handwerkern – zum Kündigungsrecht, zur Gefahrtragung, zur Entlohnung usw. In einem Längsschnitt werden wesentliche Entwicklungslinien vom 14. Jahrhundert bis zum Ende des Alten Reichs aufgezeigt. Sie führen von einer unregelmäßigen spätmittelalterlichen Vertragspraxis zu einem zunehmenden beamtenähnlichen Statusverhältnis der Frankfurter Stadtbediensteten in der Frühen Neuzeit.



BAND 322

Philipp Siegert

STAATSHAFTUNG IM AUSNAHMEZUSTANDDoktrin und Rechtspraxis im Deutschen Reich und in Frankreich,
1914–1919Frankfurt am Main: Vittorio Klostermann, 362 S., 89,00 €
ISBN 978-3-465-04400-0

Die ›Urerfahrung‹ des modernen Rechtsstaats mit dem Ausnahmezustand war der Erste Weltkrieg. Geleitet von der Frage nach der rechtlichen Verantwortung des Staates unter solchen Umständen nimmt diese vergleichende Studie das Staatshaftungsrecht im Deutschen Reich und in Frankreich zwischen 1914 und 1918 in den Blick. Aus dieser Zeit stammen Kategorien von ›legitimem‹ und ›illegitimem‹ Staatshandeln, welche dem Völkerrecht der Vorkriegszeit fehlten oder gar widersprachen, mit den Friedensverträgen aber sanktioniert wurden. Trotz weiterer Zäsuren des 20. Jahrhunderts lassen sich Grundelemente der heutigen internationalen Ordnung auf Entscheidungen des Jahres 1919 zurückführen. Das gilt besonders für die völkerrechtliche Staatenverantwortlichkeit, die vor dem Hintergrund des Haftungsrechts beider Länder für Zerstörungen, Enteignungen und Wirtschaftskriegsmaßnahmen herausgearbeitet wird.



BAND 323

Caspar Ehlers, Holger Grewe (Hg.)

›RECHTSRÄUME‹

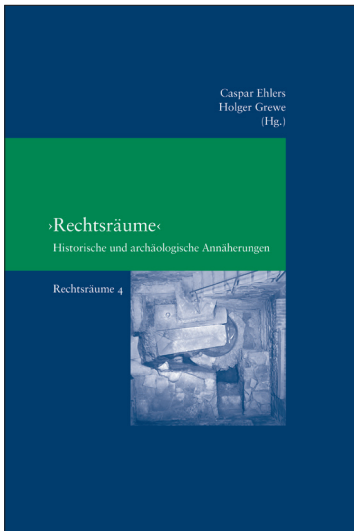
Historische und archäologische Annäherungen

(Rechtsräume 4)

Frankfurt am Main: Vittorio Klostermann, 346 S., 79,00 €

ISBN 978-3-465-04412-3

Die Entwicklung normativer Ordnungen in der weltlichen wie der kirchlichen Sphäre kann als Konfiguration neuer oder als Modifikation bestehender Regelungsmuster analysiert werden. Im Fokus dieses reich illustrierten Sammelbandes steht vor allem die Beobachtung dynamischer Veränderungen durch die räumliche, sprachliche und kulturelle Übertragung von Normen und Praktiken. Archäologen, Naturwissenschaftler und Historiker fragen nach derartigen Prozessen, deren Untersuchung interdisziplinäre und transnationale Ansätze verlangt sowie diachrone Komparatistik voraussetzt. Das Spektrum reicht von der Forschung an ›ancient DNA‹ im archäologischen Kontext über die historiographische (Re-)Konstruktion von Identitäten bis zur Untersuchung des Verhältnisses von Topographie und Herrschaft im europäischen Früh- und Hochmittelalter.



BAND 324

Martin P. Schennach

AUSTRIA INVENTA?

Zu den Anfängen der österreichischen Staatsrechtslehre

Frankfurt am Main: Vittorio Klostermann, 603 S., 98,00 €
ISBN 978-3-465-04414-7

Das Werk widmet sich erstmals umfassend der von der (rechts-)historischen Forschung bislang kaum beachteten österreichischen Staatsrechtslehre. Es untersucht ihre Entstehung, ihre Autoren, ihren Zusammenhang mit der Reichspublizistik, ihre Quellen und Methoden sowie ihre Inhalte und nicht zuletzt ihre Rolle in der universitären Lehre. Unter allen Partikularstaatsrechten im Heiligen Römischen Reich wurde ihr Gegenstand wohl am intensivsten traktiert. In der zweiten Hälfte des 18. Jahrhunderts stellte die österreichische Staatsrechtslehre eine florierende Literaturgattung dar, die vom habsburgischen Herrscherhaus gefördert wurde. Diese erklärt sich auch aus ihren Leitthemen: Sie flankierte den Prozess der Binnenintegration des heterogenen habsburgischen Herrschaftskomplexes und zielte auf die diskursive und juristische Konstruktion eines österreichischen Gesamtstaates sowie auf die Legitimation des Absolutismus ab.



BAND 325

Falko Maxin

JURISTISCHE WAHRHEIT

Eine Studie zum richterlichen Tatsachenwissen im 19. Jahrhundert

Frankfurt am Main: Vittorio Klostermann, 268 S., 69,00 €

ISBN 978-3-465-04426-0

Die Mechanik der »legalen Beweistheorie«, die das deutsche Verfahrensrecht bis in die zweite Hälfte des 19. Jahrhunderts beherrschte, sollte die Wahrheit eines zu beweisenden Umstandes mit legaler Strenge und arithmetischer Folgerichtigkeit errechenbar machen. Wie konnte sie – scheinbar plötzlich – durch die uns heute vertraute »freie Beweismwürdigung« des nach seiner subjektiven Übersetzung urteilenden Richter ersetzt werden? Sollte sich etwas Grundlegendes an Natur und Bedeutung des richterlichen Tatsachenwissens geändert haben? Haben etwa ein postkantisches Wahrheitsverständnis und eine gewandelte Auffassung gesellschaftlichen Wissens eine Rolle bei diesem bedeutenden justizgeschichtlichen Vorgang gespielt? Diesen Fragen geht die Studie auf ihrer Suche nach der »juristischen Wahrheit« am Beispiel von Zivil- und Strafgerichtsbarkeit nach und umreißt dabei eine Wissensgeschichte des Beweises im 19. Jahrhundert.

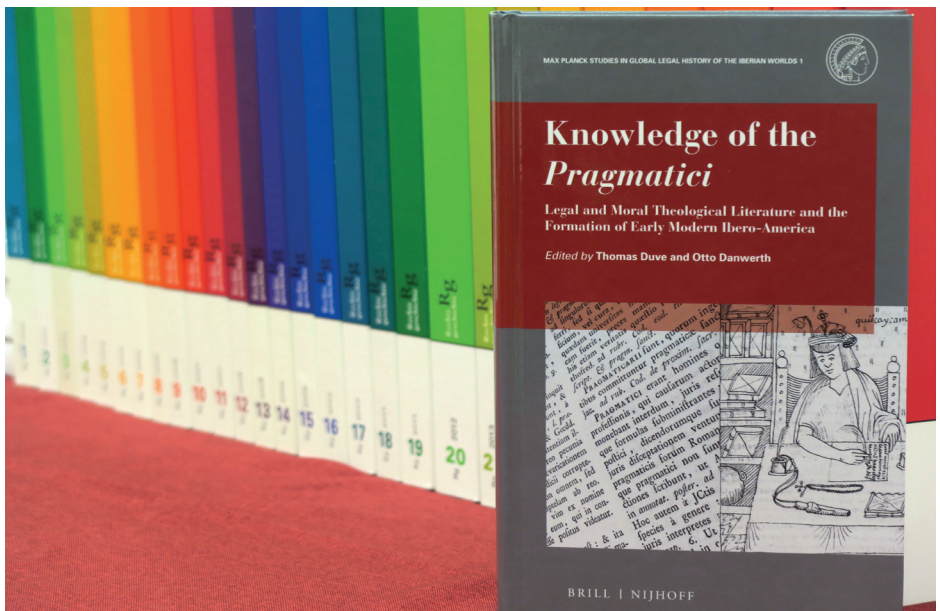


MAX PLANCK STUDIES IN GLOBAL LEGAL HISTORY OF THE IBERIAN WORLDS



The volumes published in this book series deal with legal-historical research on areas that interacted with the Iberian empires during the early modern and modern periods in Europe, the Americas, Asia and Africa. The focus of this series is global in the sense that it does not just limit itself to imperial spaces as such, but also looks at the globalisation and localisation of norms within the spaces that were in contact with these imperial formations. The global dimension is, moreover, underscored by the attention paid to the coexistence of a variety of normativities and their cultural translations at different times and in different places. The volumes thus decentre traditional research perspectives and are open to exploring various modes of normativity.

The series is edited by Thomas Duve and published by Brill. All of the monographs, edited volumes and text editions in the series are peer reviewed and available in print and online in Open Access. Brill's Open Access books are distributed free of charge in Brill's E-Book Collections and can be found via DOAB, OAPEN and JSTOR.



VOLUME 1

Thomas Duve, Otto Danwerth (eds.)

KNOWLEDGE OF THE *PRAGMATICI*

Legal and Moral Theological Literature and the Formation
of Early Modern Ibero-America

Leiden: Brill, 396 p., 94,00 €

ISBN 978-90-04-42162-2

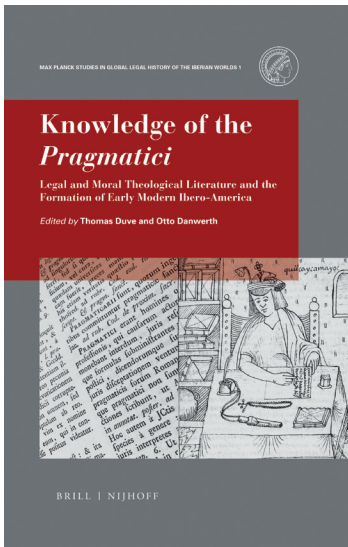
Open Access online edition: <https://doi.org/10.1163/9789004425736>

eISBN 978-90-04-42573-6

Knowledge of the Pragmatici sheds new light on pragmatic normative literature (mainly from the religious sphere), a genre crucial for the formation of normative orders in early modern Ibero-America. Long underrated by legal historical scholarship, these media – manuals for confessors, catechisms, and moral theological literature – selected and localised normative knowledge for the colonial worlds and thus shaped the language of normativity.

The eleven chapters of this book explore the circulation and the uses of pragmatic normative texts in the Iberian peninsula, in New Spain, Peru, New Granada and Brazil. The book reveals the functions and intellectual achievements of pragmatic literature, which condensed

normative knowledge, drawing on medieval scholarly practices of ›epitomisation‹, and links the genre with early modern legal culture.

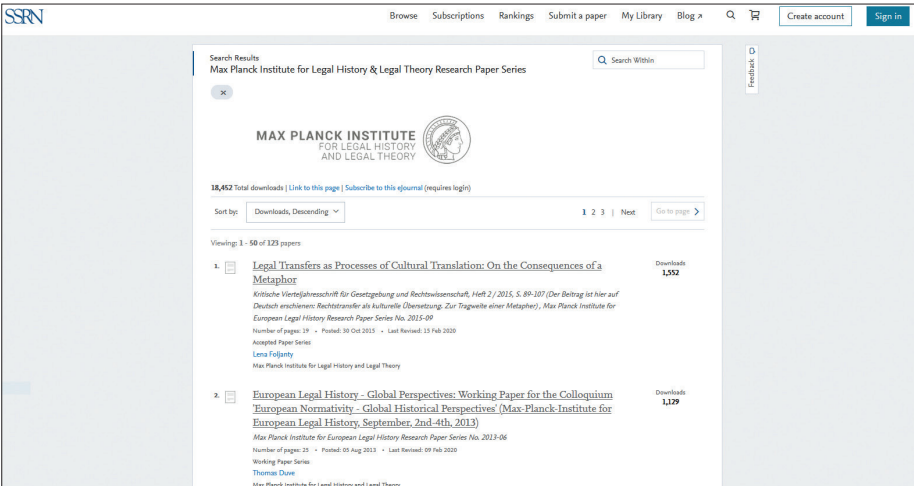


RESEARCH PAPER SERIES

The Institute's own *Research Paper Series* is edited by Directors Marietta Auer, Thomas Duvé and Stefan Vogenauer. Since 2012, this multilingual series is available online in the Social Science Research Network (SSRN) eLibrary. Working papers, pre-prints and post-prints that provide new insights, perspectives and suggestions for legal-historical research are published in Open Access.

In 2017, an additional subseries, *subsidia et instrumenta*, was created to publish resources for researchers such as bibliographies or collections of primary sources. The results of the Institute's research project »Historical Dictionary of Canon Law in Hispanic America and the Philippines. 16th–18th Centuries (DCH)« are also published as part of the *Research Paper Series*. All articles submitted undergo peer review.

Until the end of 2020, the series was published under the old Institute's name, *Max Planck Institute for European Legal History Research Paper Series*. The renaming of the Institute as of 1 January 2021 (see pages 30–31) means that our series also gets a new title, and all future papers will be published in the *Max Planck Institute for Legal History and Legal Theory Research Paper Series*.



The screenshot displays the SSRN website interface. At the top, there are navigation links: "Browse", "Subscriptions", "Rankings", "Submit a paper", "My Library", "Blog", and "Sign in". A search bar is located on the right side of the header. Below the header, the main content area shows search results for "Max Planck Institute for Legal History & Legal Theory Research Paper Series". The page features the logo of the Max Planck Institute for Legal History and Legal Theory, which includes a circular emblem with a figure. The search results are sorted by "Downloads, Descending" and show two entries:

- 1. Legal Transfers as Processes of Cultural Translation: On the Consequences of a Metaphor** Downloads: 1,252

Kritische Vierteljahresschrift für Gesetzgebung und Rechtswissenschaft, Heft 2 / 2015, S. 89-107 (Der Beitrag ist hier auf Deutsch erschienen: Rechtslehrer als kulturelle Übersetzer: Zur Tragweite einer Metapher), Max Planck Institute for European Legal History Research Paper Series No. 2015-09

Number of pages: 19 • Printed: 30 Oct 2015 • Last Revised: 13 Feb 2020

Accepted Paper Series

Lena Filjanyi

Max Planck Institute for Legal History and Legal Theory
- 2. European Legal History - Global Perspectives: Working Paper for the Colloquium 'European Normativity - Global Historical Perspectives' (Max-Planck-Institute for European Legal History, September, 2nd-4th, 2013)** Downloads: 1,129

Max Planck Institute for European Legal History Research Paper Series No. 2013-06

Number of pages: 25 • Printed: 09 Aug 2013 • Last Revised: 09 Feb 2020

Working Paper Series

Thomas Duvé

Max Planck Institute for Legal History and Legal Theory

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2020-01

María del Pilar Martínez López-Cano

Usuras (DCH)

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Aurora M. López-Medina

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THE SCHOOL OF SALAMANCA

»The School of Salamanca. A Digital Collection of Sources and a Dictionary of its Juridical-Political Language« is a joint project of the Institute, the Goethe University Frankfurt and the Academy of Sciences and Literature, Mainz. Among other activities, the project includes two ongoing publication projects: one is to build a digital text corpus of selected 16th- and 17th-century printed editions of more than 100 works of the Salmantine jurists and theologians. The other is an interdisciplinary working paper series that offers philosophical, legal and theological articles related to the School of Salamanca. The paper series reflects the research done in the project, but contributions from other scholars are also welcome. All articles are subject to a peer review procedure. Both the digital editions as well as the working paper series are accessible online in Open Access: www.salamanca.school/en/index.html.

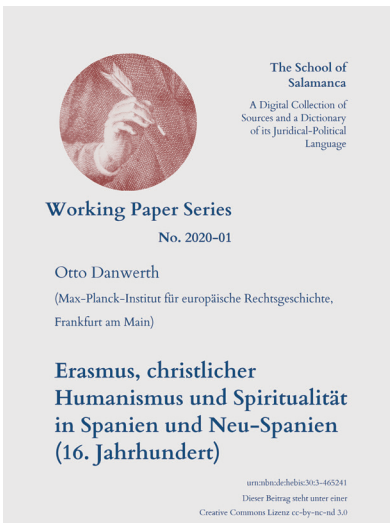
Salamanca Working Paper Series

2020-01

Otto Danwerth

Erasmus, christlicher Humanismus und Spiritualität in Spanien und Neu-Spanien (16. Jahrhundert)

66 p.



THE SCHOOL OF SALAMANCA

The School of Salamanca. A Digital Collection of Sources

Vol. 12

Juan Ginés de Sepúlveda

Apologia pro libro de iustis belli causis

(Rom: Valerio Dorico & Luigi Dorico, 1550)

Vol. 13

Elio Antonio de Nebrija

Lexicon iuris Civilis

(Lyon: Ioannes Frellaeus & Franciscus Frellaeus & Jean Barbous, 1537)

Vol. 14

Domingo de Soto

De iustitia et iure

(Salamanca: Andrea à Portonariis, 1553)



Vol. 15

Cristóbal de Villalón

Provechoso tratado de cambios y contrataciones de mercaderes y reprovación de usura

(place (?): Francisco Fernandez d[e] Cordoua, 1541)

Vol. 16

Antonius Vacca

Expositiones locorum obscuriorum et Paratitulum in Pandectas

(Lyon: Apud Matthiam Bonhomme, 1554)

Vol. 17

Bartolomé de Albornoz

Arte de los contractos

(Valencia: Pedro de Huete, 1573)

Vol. 18

Francisco Carrasco del Saz

Tractatus de casibus curiæ

(Madrid: Juan González, 1630)

Vol. 19

Serafim de Freitas

De Iusto Imperio Lusitanorum Asiatico

(Valladolid: Hieronymus Morillo, 1625)

OPEN ACCESS PUBLICATIONS

The motivation of the international Open Access movement is to make the results of scientific research freely available online. Over the last two decades, this idea has become an integral part of the discourse on scientific publishing and has given rise to new publishing models. The Institute, too, has adapted its publishing strategy to this transformation and offers the following publication series in Open Access:

- the Institute's journal *Rechtsgeschichte – Legal History*
- the book series *Global Perspectives on Legal History*
- the book series *Max Planck Studies in Global Legal History of the Iberian Worlds*
- the Institute's own *Research Paper Series*
- the *Salamanca Working Paper Series*
- the editions of the project *The School of Salamanca. A Digital Collection of Sources and a Dictionary of its Juridical-Political Language*

Volumes that so far have appeared in print only in the long-running book series of the Institute (*Studien zur europäischen Rechtsgeschichte, Studien zu Policey, Kriminalitätsgeschichte und Konfliktregulierung*) will successively be made available in Open Access in the near future. The Institute's website provides an overview of all Open Access publications of the Institute: www.rg.mpg.de/open-access/en.

The Max Planck Society is committed to promoting Open Access. It is one of the co-founders of the international Open Access movement and was one of the first signatories to the »Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities«. Further information about Open Access at the Max Planck Society can be found at: openaccess.mpg.de/.



DAS INSTITUT

Ab dem 1. Januar 2021 trägt das Max-Planck-Institut für europäische Rechtsgeschichte einen neuen Namen: Max-Planck-Institut für Rechtsgeschichte und Rechtstheorie (mpilhl).

Die neue Bezeichnung entspricht nicht nur der Erweiterung der rechtshistorischen Forschung auf andere Kontinente als den europäischen – ohne die europäische Rechtsgeschichte auszuschließen, die auch weiterhin einen Schwerpunkt bilden wird. Die Aufnahme der Rechtstheorie in den Institutsnamen macht vielmehr deutlich, dass mit der Einrichtung einer dritten Abteilung die Rechtstheorie nun einen festen Platz am Institut hat.

Das mpilhl betreibt seit seiner Gründung im Jahre 1964 in Frankfurt am Main Forschungen zur europäischen und globalen Rechtsgeschichte sowie zur Theorie des Rechts. Mit seinen drei Abteilungen unter Leitung der Direktoren Marietta Auer (Multidisziplinäre Rechtstheorie), Thomas Duve (Historische Normativitätsregime) und Stefan Vogenauer (Europäische und vergleichende Rechtsgeschichte), seiner Spezialbibliothek mit über 470.000 gedruckten Medieneinheiten sowie zahlreichen internationalen Gästen ist das Institut zu einem Knotenpunkt für alle Forschenden geworden, die sich mit vergangenen und gegenwärtigen nationalen und transnationalen Rechtsordnungen befassen. Viele der wissenschaftlichen Erträge werden in den Publikationsreihen des Instituts veröffentlicht.




THE INSTITUTE

As of 1 January 2021, the Max Planck Institute for European Legal History has a new name: Max Planck Institute for Legal History and Legal Theory (mpilhlT).

This new designation not only embodies the expansion of our legal historical research to continents beyond Europe – not to the exclusion of European legal history, which remains a focus – but more significantly, the new name makes it clear that with the establishment of a third department legal theory now has a permanent place at the Institute.

Established in 1964, the mpilhlT in Frankfurt am Main engages in research on European and global legal history and on the theory of law. With its three departments led by Directors Marietta Auer (Multidisciplinary Theory of Law), Thomas Duve (Historical Regimes of Normativity) and Stefan Vogenauer (European and Comparative Legal History), its specialist library with over 470,000 printed media units, and its numerous international visitors, the Institute has become a worldwide hub for those working on past and present national and transnational legal orders. Many of the research results are published in the Institute's own publication series.



MAX PLANCK INSTITUTE
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The Institute

The Max Planck Institute for Legal History and Legal Theory considers its most important task to consist in engaging in theoretically reflected historical research in the field of law and other forms of normativity to make a specific contribution to the fundamental research in legal scholarship, the social sciences and historical humanities.



The Institute's research examines law, its constitution, legitimation, transformation and practice. Particular attention is paid to the positioning of historical forms of 'law' in the context of other normative orders. The establishment of a department engaged in developing a multidisciplinary legal theory in 2020 substantially expands the Institute's engagement with issues of legal theory.

The Institute is today able to build on its over 50-year history. While the emphasis was placed on the history of private law in Europe at the time Helmut Coing established the Institute in 1964, subsequent directors – Walter Wilhelm, Dieter Simon, Michael Stolleis and Marie Theres Fögen – gradually extended the fields of activity to other research areas, such as the history of public law, international law and criminal law. For quite some time, a great deal of importance was attached to the evaluation of legislation and key scholarly reference texts. Today, however, the focus is primarily on working with other relevant source materials. Whereas emphasis was traditionally placed on the legal history of Europe, under the direction of Thomas Duve (since 2009) and Stefan Vogenauer (since 2015) the Institute has increasingly expanded its scope to also include other regions. Comparative, global, and global-

Herausgeber

Max-Planck-Institut für Rechtsgeschichte und Rechtstheorie (mpilht)

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